

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 767 OF 2006

Deepak A. Tiwari

..Applicant.

V/s

State of Maharashtra

..Respondents.

Mr. Prakash Naik for the applicant.

Mr. Y. S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 8th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and
the learned APP for the State.

2. The applicant was arrested in connection with C.R.
No. I-113/2005 registered with Nalasopara Police
Station for the offence punishable under sections 302,
147, 148, 144 of the Indian Penal Code and Section
37(I) and 135 of the Bombay Police Act.

3. It is the case of the prosecution that the
applicant alongwith others assaulted the deceased with
wooden sticks, as a result of which he died. The
post-mortem notes indicate that the cause of death as
due to multiple fracture of the skull. There is one
eye witness who has seen the incident and, thereafter,

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he had reported the matter to the father of the deceased and, thereafter, immediately a complaint was lodged and the statement of the witness was recorded.

4. In my view, this is not a fit case for grant of bail. The application for bail is rejected. However, liberty is granted to the applicant to apply again if the trial is not over within a reasonable period of time.

5. Application is accordingly disposed of.

V.M. KANADE, J.